

FCC MAIL SECTION

Federal Communications Commission

DA 99-2801

DEC 21 10 20 AM '99

Before the  
Federal Communications Commission  
Washington, D.C. 20554

DISPATCHED BY

In the Matter of	)	
	)	
Request for Review	)	
Of the Decision of	)	
The Universal Service Administrator by	)	
	)	
Simpson County Vocational-Technical School	)	File No. 78968
Mendenhall, MS	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors	)	CC Docket No. 97-21 ✓
Of the National Exchange Carrier	)	
Association, Inc.	)	

**ORDER****Adopted: December 14, 1999****Released: December 14, 1999**

By the Common Carrier Bureau:

1. The Common Carrier Bureau has under consideration an appeal filed by Simpson County Vocational-Technical School (Simpson County) on June 29, 1999, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator). Simpson County seeks review of SLD's denial of its application for additional funding requests under the schools and libraries universal support mechanism. For the reasons set forth below, we grant Simpson County's Letter of Appeal to the extent provided below.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>1</sup> The Commission's rules provide that, with one limited exception, an eligible school, library or consortium must seek competitive bids for all services eligible for support.<sup>2</sup>

3. To comply with this competitive bid requirement, the Commission's rules require that an applicant submit to the Administrator a completed FCC Form 470, in which the applicant

<sup>1</sup> 47 U.S.C. § 254 (h)(1) (B); 47 C.F.R. §§ 54.502, 54.503.

<sup>2</sup> 47 C.F.R. § 54.504.

lists the services for which it seeks discounts.<sup>3</sup> The Administrator must post the FCC Form 470 on its web site and the applicant is required to wait 28 days before making a commitment with a selected service provider.<sup>4</sup> After the FCC Form 470 has been posted for 28 days, and the applicant has selected a service provider, the applicant must submit to the Administrator an FCC Form 471, which lists the services that have been ordered.<sup>5</sup>

4. On November 5, 1998 and June 16, 1999, SLD informed Simpson County that its funding request for various telecommunications services was rejected because the request was for services that were required to be posted, but that were not posted to the SLD web site. Simpson County appealed SLD's decision to the Commission, requesting that the Commission reconsider SLD's decision.

5. We have reviewed Simpson County's application and SLD's records relating to this application. SLD's records reveal that, in fact, Simpson County's FCC Form 470 was posted to the SLD web site. Apparently, SLD's statement that these services were not posted to the web site was an inadvertent error. We, therefore, remand Simpson County's application to SLD and direct SLD to reprocess this application and issue a new Funding Commitment Letter based on the facts in the record and any further consultations with the applicant that may be necessary.

6. To the extent necessary to effectuate the decision above, we grant a waiver of section 54.507(b) of the Commission's rules.<sup>6</sup> This rule provides that schools and libraries may receive discounts on nonrecurring services only through September 30, 1999.<sup>7</sup>

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the appeal filed by Simpson County School District, Mendenhall, Mississippi, filed June 29, 1999, IS GRANTED to the extent provided herein, and that Simpson County's application IS REMANDED to SLD for further consideration in light of this decision.

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<sup>3</sup> 47 C.F.R. §§ 54.504(b)(1), (b)(2).

<sup>4</sup> 47 C.F.R. § 54.504(b)(3), (b)(4); § 54.511.

<sup>5</sup> 47 C.F.R. § 54.504(c).

<sup>6</sup> 47 C.F.R. § 54.507(b)(2).

<sup>7</sup> See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Tenth Order on Reconsideration, 14 FCC Rcd 5983, 5993, para. 22 (1999). See also, 47 C.F.R. § 54.507(b)(2).

8. IT IS FURTHER ORDERED that section 54.507(b)(2), 47 C.F.R. § 54.507(b)(2), IS WAIVED for a period of up to 180 days following the date of issuance of a Funding Commitment Letter by the Administrator pursuant to this order.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Yog R. Varma", with a horizontal line drawn underneath the name.

Yog R. Varma  
Deputy Chief, Common Carrier Bureau